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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/424,670	05/11/2000	Yoichi Hijikata	104824	7939

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Oliff & Berridge
PO Box 19928
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EXAMINER

WILSON, YOLANDA L

ART UNIT PAPER NUMBER

2113

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/424,670

Applicant(s)

HIJIKATA, YOICHI

Examiner

Yolanda Wilson

Art Unit

2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,7,10 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,7,10 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,4,7,10,13 are rejected under 35 U.S.C. 102(b) as being anticipated by Swoboda (USPN 5828824A). As appears in claim 1, Swoboda discloses a central processing unit formed to be switchable between said user mode and said debugging mode, for executing instructions in each of said user mode and said debugging mode in column 9, lines 8-23.

Swoboda discloses a switch that switches said central processing unit from said user mode to said debugging mode when a forced break is input through the debugging terminal that is not used in said user mode, except for inputting the forced break in column 4, line 66 – column 5, line 12.

Swoboda discloses a first monitor that transfers data to and from a second monitor, the first monitor determines a combination of at least two primitive commands from a group consisting of a primitive read command, primitive write command, and primitive GO command to be executed according to said data received from said second monitor and performs processing for executing the determined combination of the at least two primitive commands, said second monitor being provided outside said microcomputer for converting a debugging command into the combination of at the least

two primitive commands in column 8, line 51 – column 9, line 1; column 9, lines 8-40.

The first monitor is the access adapter and the second monitor is the IEEE 1149.1 interface. Read and write commands are known to be sent to debug devices.

Swoboda discloses a debugging terminal connected to a communications line for transferring said data that is used for on-chip debugging in a half-duplex bi-directional manner is connected to said debugging terminal in column 6, line 65 – column 7, line 2 and column 9, lines 21-23.

Swoboda discloses said central processing unit executes a user program in said user mode and executes the primitive commands when in said debugging mode in column 9, lines 8-23.

Swoboda discloses said switch switches said central processing unit from said user mode to said debugging mode when a forced break is input through said debugging terminal in column 4, lines 66-67 – column 5, lines 1-2. The switch can also be seen in Figure 10 as the TEST pin and it is disclosed in column 17, line 55 – column 18, line 35.

3. As per claim 4, Swoboda discloses a holder that holds a terminal for the input of a forced break at a first level which is either one of high and (should be or) low during a state in which no external debugging tool is connected in column 7, lines 5-14.

Swoboda discloses wherein said central processing unit starts execution in said user mode when said terminal for inputting said forced break is at a time of reset or starts execution in said debugging mode when said terminal for inputting said forced break is not at said first level at a time of reset in column 20, lines 49-52.

4. As per claim 7, Swoboda discloses the microcomputer of claim 1; an input source of data that is to be a processing object of said microcomputer; and an output device for outputting data that has been processing by said microcomputer column 9, lines 8-23; column 4, lines 66-67 – column 5, lines 1-2.

5. As per claim 10, Swoboda discloses the microcomputer of claim 4; an input source of data that is to be a processing object of said microcomputer; and an output device for outputting data that has been processing by said microcomputer in column 20, lines 49-52.

6. As per claim 13, a second monitor that performs processing for converting a debugging command developed by a host system into a combination of at least two primitive commands from a group consisting of a primitive read command, primitive write command, and primitive GO command; a first monitor that transfers data to and from said second monitor the first monitor determines the combination of the at least primitive commands to be executed according to said data received from said second monitor, and performs processing for executing the combination of the at least two primitive command; a central processing unit formed to be switchable between a user mode and a debugging mode for executing said primitive commands in said user mode; a debugging terminal provided on a chip including said central processing unit and connected to a communications line for transferring debugging information, that is used for on-chip debugging, to and from an external debugging tool in column 6, line 65 – column 7, line 2; in column 8, line 51 – column 9, line 1; column 9, lines 8-40.

Swoboda discloses a switch that switches said central processing unit from said user mode to said debugging mode when a forced break is input through said debugging terminal not used in said user mode, except for inputting the forced break in column 4, line 66 – column 5, line 2. The switch can also be seen in Figure 10 as the TEST pin and it is disclosed in column 17, line 55 – column 18, line 35.

Response to Arguments

7. Applicant's arguments filed in the response filed July 28, 2005 have been fully considered but they are not persuasive. The arguments presented on pages 5 and 6 of the Remarks Section by Applicant include the added limitations disclosed in claims 1 and 13. As Examiner indicated in the above rejection of claims, specifically in claim 1, that Swoboda does indeed disclose the added limitations. Each limitation is mapped out above disclosing where in Swoboda the limitations can be found.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a7) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yolanda Wilson whose telephone number is (571) 272-3653. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yolanda Wilson
Examiner
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